

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:13-CV-638-D

ADVANCED INTERNET)
TECHNOLOGIES, INC.,)
)
 Plaintiff,)
)
 v.)
)
 MARK McGARRITY,)
)
 Defendant.)

ORDER

On October 14, 2013, defendant filed a motion to dismiss [D.E. 12] and a supporting memorandum [D.E. 13]. See Fed. R. Civ. P. 12(b)(6). On October 30, 2013, plaintiff responded in opposition [D.E. 14]. On November 13, 2013, defendant replied [D.E. 15].

On November 25, 2013, plaintiff filed a motion to amend the complaint [D.E. 16], a memorandum in support [D.E. 16-5], and a proposed first amended complaint [D.E. 16-1]. In the motion, plaintiff states that counsel for defendant has not consented to or objected to the motion [D.E. 16].

The court has reviewed the complaint, the motion to dismiss, the motion to amend, and the briefs. The motion to amend [D.E. 16] is GRANTED. Plaintiff shall file the first amended complaint not later than December 6, 2013. Defendants may plead in response to the first amended complaint in accordance with the Federal Rules of Civil Procedure. See Fed. R. Civ. P. 15(a)(3). The motion to dismiss [D.E. 12] is DENIED.

SO ORDERED. This 2 day of December 2013.


JAMES C. DEVER III
Chief United States District Judge